

Marine Life Protection Act Initiative
Public Comments Submitted
through October 27, 2010

Select Socioeconomic Factors Useful for Comparison between MLPA Initiative Study Regions

Presented to the BRTF

by

Impact Assessment, Inc.

On behalf of

Humboldt County Headwaters Fund

Principal Management Measures Affecting North Coast Fisheries

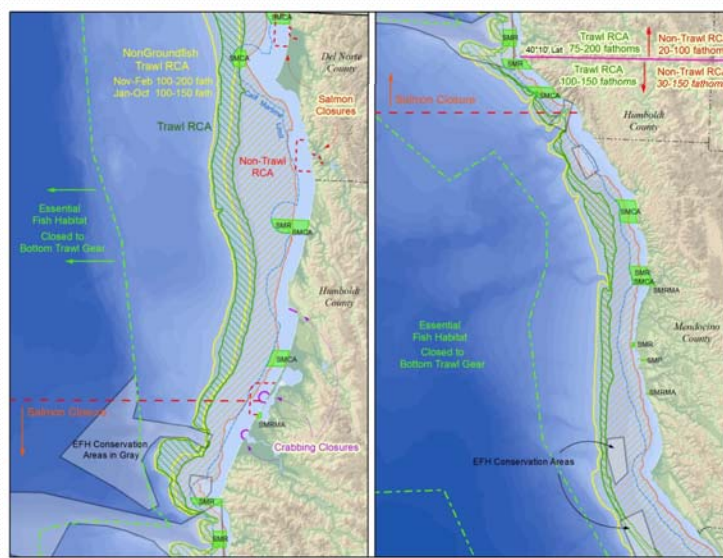
1976	Magnuson-Stevens Fishery Conservation and Management Act (MSA)
1979	Klamath Management Zone (KMZ) Established
1982	State Limited Entry Program for Salmon
1984	Federal Restrictions on Salmon Fishing in KMZ
1990	State Sea Urchin Limited Entry
1993	Federal Opinion on Salmon Tribal Re-Allocation
1994	Federal Groundfish Limited Entry Program
1995	State Limited Entry Program for Dungeness Crab
1996	Sustainable Fisheries Act (SFA; MSA Reauthorized and Amended)
1998	State Marine Life Management Act (MLMA) & Nearshore Fisheries Management Act

Principal Management Measures Affecting North Coast Fisheries

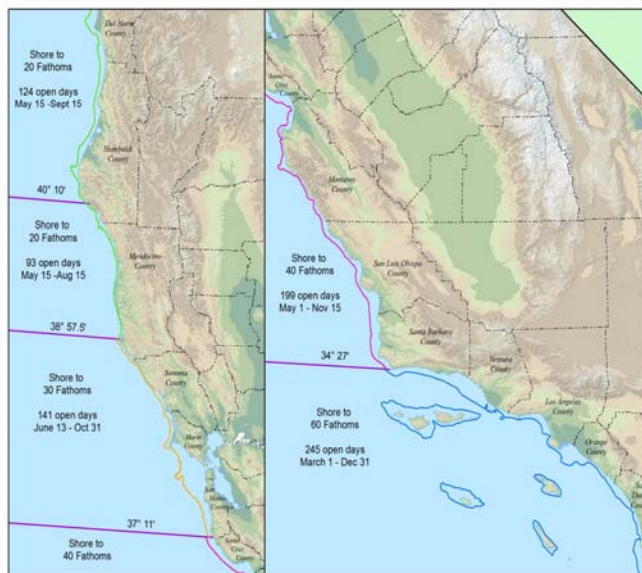
(continued)

1998	State Finfish Trap Limit
1999	State Marine Life Protection Act (MLPA)
1999	State Nearshore Fishery Permit Required
2002	Rockfish Conservation Areas (RCAs)
2002	State Nearshore Fishery Management Plan (NFMP) & Restricted Access
2003	Federal Groundfish Trawl Buyback Program
2006	Federal Groundfish Essential Fish Habitat Designation (FMP Amendment 19)
2007	Magnuson-Stevens Act Reauthorized and Amended
2008	State Closure of Shrimp Trawl Grounds

Selected Regulations Affecting Commercial Fishery Use of Ocean Space along the North Coast, 2010



Spatial and Seasonal Regulation of the California Recreational Rockfish Fishery, 2010



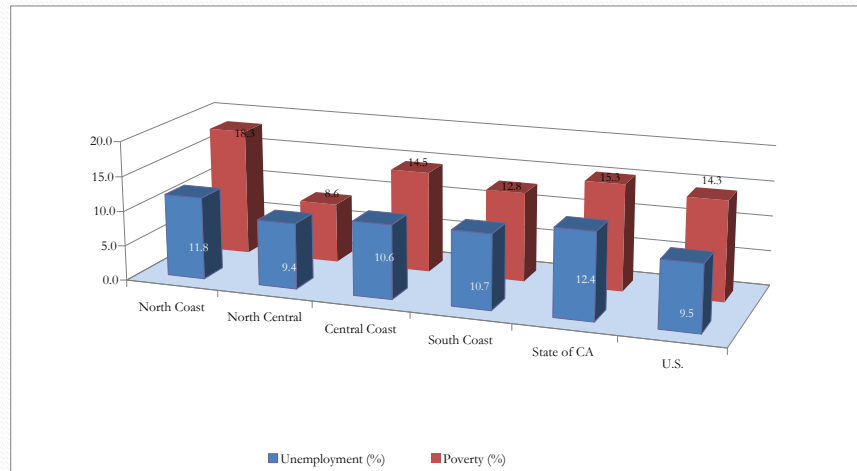
Total Population of MLPA-Defined Regions

Source: U.S. Census Bureau, 2006-2008 American Community Survey (ACS)

Region	Population
South Coast	16,980,516
North Central Coast	2,291,402
Central Coast	918,985
North Coast	164,793

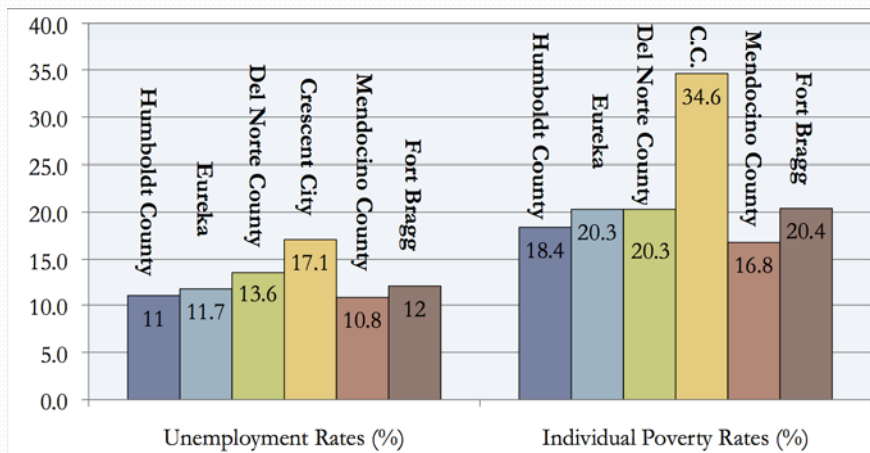
Current Unemployment and Poverty Rates: Regions, State, and Nation

Sources: EDD Labor Market Info 2010; U.S. Census Bureau, 2009 ACS



Current Unemployment and Poverty Rates for North Coast Counties and Selected Communities

Sources: EDD Labor Market Info 2010; U.S. Census Bureau, 2009 ACS



Indicators of Fishery-Related Employment by Region, 2008

Region	Commercial Fishermen as % of Labor Force	Fishing Industry Workers as % of Labor Force	Fishery-Related Businesses as % of All Businesses
North Coast	0.6	0.7	0.9
North Central	0.03	0.2	0.2
Central Coast	0.1	0.2	0.3
South Coast	0.001	0.3	0.2
Sources: U.S. Census Bureau 2008 County Business Patterns (NAICS); CDFG Commercial Fisheries Information System, 2008			

Indicators of Fishery-Related Employment in the North Coast Region, by County, 2008

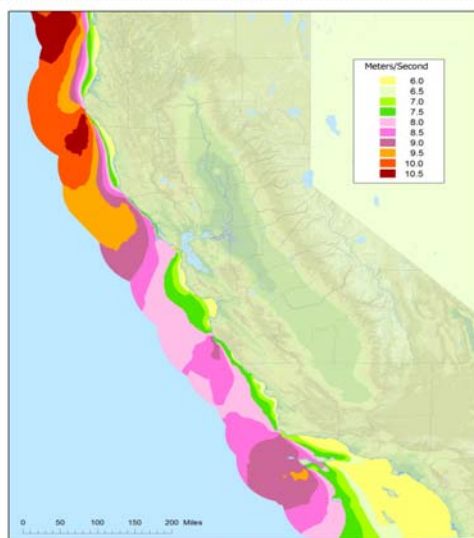
Region	Commercial Fishermen as % of Labor Force	Fishing Industry Workers as % of Labor Force	Fishery-Related Businesses as % of All Businesses
Del Norte	1.4	1.4	3.4
Humboldt	0.3	0.6	0.7
Mendocino	3.8*	0.8	0.7
Total	0.6	0.7	0.9
* Commercial license data is for Fort Bragg area only; data for Mendocino County south of Fort Bragg is considered part of the North Central region. Sources: U.S. Census Bureau 2008 County Business Patterns (NAICS); CDFG Commercial Fisheries Information System, 2008			

Estimated Number of Recreational Fishing Trips by Region and Mode, 2007

Region	Mode of Fishing				Total
	Jetties/ Structures	Shoreline	Private Vessels	Charter Vessels	
South Coast	1,341,344	766,709	240,469	236,764	2,585,286
North Central	274,891	294,194	38,457	39,238	646,780
Central Coast	157,502	137,256	25,245	43,166	363,169
North Coast	56,874	59,793	13,983	10,149	140,799
Total	1,830,611	1,257,952	318,154	1,257,952	3,736,034
Sources: California Recreational Fisheries Survey, 2007 Annual Review, CDFG					

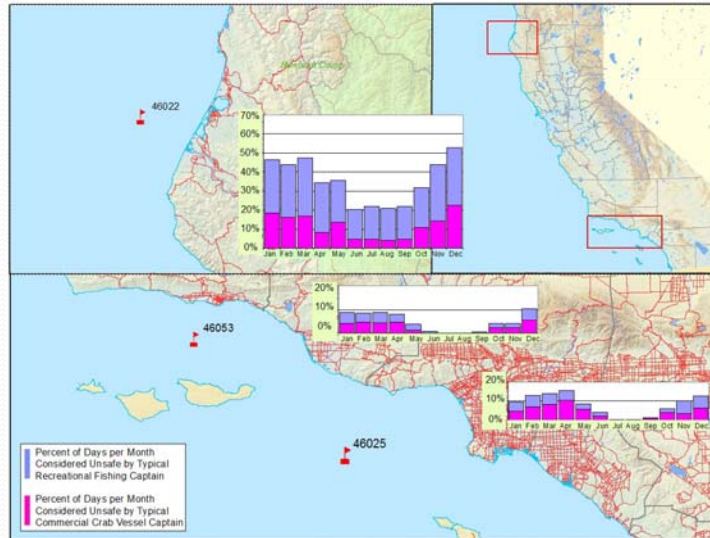
Average Wind Velocity along the California Coast*

* Predicted mean annual velocities at 90 meters; Source: U. S. Department of Energy, NREL



Weather and Sea Safety Thresholds

(applied/compared to buoys in the Southern California Bight)

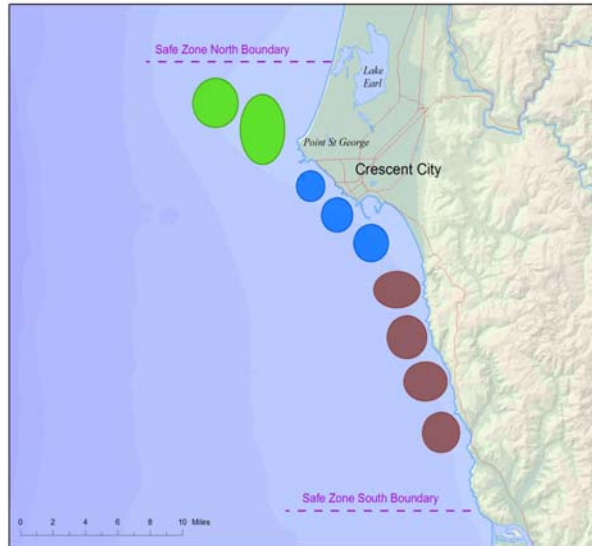


Exposed and Sheltered Areas Used by Albion-Based Urchin Divers



Distinct Zones of Use* by Crescent City Rockfish Fleet

(Use varies according to seasonal wind and swell patterns and variable weather and wave conditions)



From: Dave Rudie
Sent: Monday, October 25, 2010 2:09 PM
To: MLPAComments
Subject: MLPA SAT Letter for the BRTF

This was sent out two weeks ago and presented to the SAT recently. The BRTF requested we send it again so here it is

Draft – Design for assessing effects of commercial sea urchin harvesting on kelp forest
(rocky habitat < 30 m) on the North Central Coast

John Dixon & Steve Schroeter

August 27, 2010

The experiment is designed to assess the impacts of commercial sea urchin harvesting (which might be used as an adaptive management technique for SMR's and SMCA's) on kelp forest communities on the north central coast of California. The most important treatments are No Harvest and Urchin Only Harvest. The problem is how to accomplish this. The best design would allow random allocation of Harvest and No Harvest within the same general area and habitat. This could be accomplished with an Urchin Harvest Only SMCA if (1) it was a sufficiently large area to accommodate replicated treatments that were far enough apart to avoid spill over effects, and (2) it was possible for all commercial divers to agree to constrain their harvest to designated areas. One cheater would destroy the experimental treatment. If the latter approach is not possible, then one would have to pair an SMR (No Harvest) with an Urchin Only SMCA (Harvest). This design suffers conceptually from what is termed "pseudoreplication." Because the replicates are spatially restricted to a particular area that corresponds to the treatment, there is the possibility that unknown factors other than the harvest treatment may be influencing the results, which inevitably adds ambiguity to the ultimate analysis of the data.

Experimental design:

Harvesting treatment	
No Harvesting	Avoidance Areas in Urchin Only SMCA (or Paired SMR)
Urchin Harvest Only	Urchin Only SMCA
Open	Suitable Habitat Adjacent to SMCA

Model: response = $T_i + \epsilon_i$

Replicates: 1 ha plot (100m x 100m); at least 3 per Type

Response Variables:

1. density and sizes of mobile invertebrates (including sea urchins)
2. density of stipitate understory
3. % cover of algal turf, sessile invertebrates, coralline algae and bare space
4. Area of "barrens" = bottom with no algae (kelps or turf)

Sampling frequency: semi-annual



October 11, 2010

Science Advisory Team
Marine Life Protection Act
1416 10th Street, 13th Floor
Sacramento, CA 95814

The California Sea Urchin Commission (CSUC) requests the SAT review and endorse to the BRTF, the adaptive management research proposal submitted herein.

The CSUC has long supported the principals of adaptive management and co-management of MPAs consistent with the Marine Life Protection Act to provide marine resource and fishery manager's real world science data critical to making informed and sound policy decisions. We believe the research protocol suggested by Dr's. Dixon and Schroeter (attached) will contribute to the success of MPAs and should be recommended as the bases for studying the commercial harvest of sea urchins and its' effects on other species of marine animals and algae.

We believe the current science in this area does not meet acceptable standards to support sound policy decisions. We are confident that this proposal and the resulting data will go a long way to remedy that situation.

Proposal - Establish a Memorandum of Understanding between the DFG, the MPA Monitoring Enterprise (ME), and the CSUC to do the following:

- 1) Using the Dixon/Schroeter design, jointly choose an MPA suitable for this research.
- 2) CSUC divers, with supervision by the DFG and ME, gather base-line data and survey the study areas; areas will have replicate harvest and non-harvest control blocks.
- 3) CSUC divers, who gathered the base line data, will harvest the test areas, using current urchin size limits.
- 4) After harvest is completed, divers will resurvey the test harvest area.
- 5) At 6 and 12 month intervals, divers will resurvey the entire study area, harvested and non-harvested blocks, and analyze data by comparing response variables (e.g. cover and counts of selected algae and invertebrates, along with bare space).
- 6) Duplicate this research in the MLPA North Central and South Coast study regions, including the Northern Channel Islands, in order to compare findings in different bio-regions.
- 7) Use the results of the experiment to determine when and if sea urchin densities reach a level suggesting they should be harvested within MPAs to maintain the general health and utility of the ecosystem.
- 8) All project data and analyses will be shared with the parties to the MOU.

Sea urchins can either be a valuable resource or destructive pest. Establishing and maintaining the proper balance between urchins and other marine life is essential for the success of MPAs and the sustainability of related fisheries and other marine life.

Thank you for considering our request in behalf of the CSUC.

Sincerely,

Tom Trumper, Dave Rudie, Bob Bertelli, and Harry Liquornik, President

Attachment

From: Diane Beck
Sent: Monday, October 25, 2010 10:01 PM
To: MLPAComments
Subject: ATTN: MLPA Initiative : North Coast

Please accept our Redwood Chapter Sierra Club comments, attached, concerning Round 3 of the North Coast Regional Stakeholder Group MPA proposal and the North Coast Regional Stakeholder Group Special Closures Recommendation.

Diane Beck
Conservaton Chair, Redwood Chapter Sierra Club



Sierra Club Redwood Chapter
PO Box 466, Santa Rosa CA 95402

October 25, 2010

Blue Ribbon Task Force
Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento CA 95814

**Public Comment on Round 3 MLPA North Coast Regional Stakeholder Group (NCRSG)
MPA Proposal and NCRSG Special Closures Recommendation**

Sierra Club wishes to commend and thank all those who worked so hard for the past number of months. In particular, we appreciate the dedication of the Regional Stakeholders Group to crafting a single array for the North Coast. We know it was difficult for the stakeholders to make the compromises necessary to come to agreement and we applaud the process. At the same time, we are concerned that the final product falls short of meeting the goals of the Marine Life Protection Act and the guidelines of the Science Advisory Team. We believe it needs some amendment to provide better protection to conservation values.

General Concerns

Especially, we find issue with the proposal regarding size and spacing of MPAs, the benefits to marine mammals and birds, and the removal of existing State Marine Conservation Areas.

Size of MPAs

None of the MPAs, at a moderate-high level of protection or above, meet the preferred size guidelines, and, in fact, fall at the lower end of the minimum range, thus limiting their usefulness to the persistence of bottom-dwelling fish and the life history needs of a range of species. We have no specific suggestions to remedy this deficiency but parts of previously proposed arrays are one obvious place to begin.

Spacing of MPAs

The spacing gaps between half or more of the key habitats exceed the guidelines for minimum spacing. These gaps limit larval dispersal of a range of species, and compromise connectivity and network function. Our suggestion is to increase beach habitat by adding beach areas south of the 10-mile River to the proposed 10-Mile Cluster.

Marine Mammals

We appreciate the benefits to marine mammals conferred by the Special Closure but are concerned that the current proposal provides very limited foraging benefits to marine mammals. We believe that, in addressing the closing of size and spacing gaps in the current proposal that keeping in mind overlap with marine foraging hot spots would be useful to strengthening the array.

Seabirds

It is clear from the evaluations that the Round 3 MPAs provide little benefit to seabirds. We therefore support the inclusion of Special Closures in the BRTF recommendation as they provide the bulk of the benefits to seabirds. (Sixty-five per cent of breeding birds are protected.) However, we note that the inclusion of Flatiron, Green and False Cape Rocks would protect an additional 20% of breeding birds.

In regard to the Green and Flatiron Rocks proposed Alternative to Special Closure, we suggest that it would strengthen this proposal if the community partnership agreed to meet specified targets within a given period of time to provide a “fail-safe” for the proposal.

In regard to False Cape Rock we suggest adding protections to its approximately 12,000 birds by giving it a no-entry zone of 300-feet around the rock to apply from March 1st to August 31st. An exception would be made for shelter in an emergency caused by bad weather, as this was the reason given for objecting to False Cape Rock’s closure.

Existing State Marine Conservation Areas

We support, at minimum, maintaining the existing SMCAs at Point Carbrillo, Russian Gulch, and Van Damme - as they are. We suggest the BRTF investigate recommending their inclusion in the Round 3 proposal by “squaring up” the boundaries and enlarging them somewhat, even if they do not meet minimum guidelines. Their addition to the MPA would help fill some of the spacing and habitat replication gaps noted by the SAT.

“Unacceptable economic impacts” is the reason used for justification in seven of thirteen proposed MPAs. We need to remember that at issue is the Marine Life **Protection** Act. Its goals include the protection of the natural diversity and function of marine ecosystems and help toward the sustaining and restoration of marine life populations. With the shrinking of marine populations unacceptable economic impacts become even more likely. This economic analysis is based on current impacts to existing fisheries. It could be that future benefits derived from the MPAs might have a positive economic impact, thus making the risk of advancing a more robust proposal seem worth taking. We note, too, that the economic impact model is based on assumptions that are “most likely an overestimation of the impacts”, thus making the acceptance and strengthening of the Round 3 Proposal even less of a risk.

It will be your difficult task to address the noted deficiencies in the proposal’s conservation benefits, and to bring into better balance the need to protect marine life and ecosystems and the socio-economic needs of the community.

In closing, our thanks to everyone who has participated in this visionary attempt to conserve and protect our precious ocean resources.
Sincerely,

Mary Walsh, Chair, Mendocino Group
Linda Perkins, Conservation Chair, Mendocino Group

Notes on Size and Spacing of MPAs and Habitat Representation and Replication

As regards habitat representation, no MPA is in the preferred size range at very high protection, no MPA is in the preferred size range at or above medium high protection, and only two are in the preferred at low protection. Five clusters at low or above protection are larger than the largest MPA cluster at medium high or high protection.

Beach habitat is abundant in the study region with replicates available along most sections of the coast. The only replicate in the Proposal occurs in the Ten Mile 174 miles from the Oregon Border and 95 miles from Bodega Head. Rocky shore habitat is abundant. No high or moderate high protection areas are included. Soft 0-30m.habitat is abundant in the study area. No replicates are proposed between south Cape Mendocino and the Oregon border at very high or moderate high protection levels.” Estuarine habitats, including total estuary area, tidal flats, and coastal marsh are much more

abundant in the northern bioregion, (Summary of Key Points from SAT Evaluations of Round 1 North Coast External Proposed MPA Arrays: Habitat Representation, Habitat Replication, MPA Size, and MPA Spacing Analyses Revised March 15, 2010, p1), however all estuarine habitats are replicated only at Ten Mile estuary representing a gap of 174 miles to the Oregon border.

Notes on Foraging Benefits to Marine Mammals

As regards marine mammals, according to the Round 3 Draft Evaluation, “...the proposed networks provide very limited foraging benefits to marine mammals,” (p 6), “does not provide a significant benefit to harbor seals, three of whose breeding hot spots were not included in the Proposal,” p 6. “Pinniped and grey whale foraging areas did not significantly benefit from protection, ... foraging indexes were very low suggesting that the NCRSG MPA Proposal and NCRSG Special Closures Recommendations do not provide benefits to the foraging habitat that marine mammals in the NCSR depend on. Steller sea lions, harbor seals, harbor porpoise and grey whales were identified as species most likely to benefit from MPAs, yet their foraging areas were largely missed by proposed MPAs,” p 6.” Given that there are few SMRs that directly overlap with the identified marine mammal breeding or foraging hotspots, there is little protection to neritic or near shore marine mammal foraging hot spots offered in the NCRSG MPA Proposal and NCRSG Special Closures Recommendation,” p7.

From: maggi draper
Sent: Monday, October 25, 2010 2:56 PM
To: MLPAComments
Subject: comments on MLPA

Dear BRTF:

The **community MPAs will best serve the people and wildlife of northern California**, because they focus on quality, do the best job of protecting the most special places along the North Coast, and strive to best meet the Science Advisory Team (SAT) guidelines while minimizing the socioeconomic impacts to the community. I support them wholeheartedly.

However, if the Department of the Navy's **5-Year Warfare Testing Program proposed for Northern California, Oregon, Washington & Idaho** is implemented, the food chain in the north state fishery area is subject to radioactive contamination. It is critical that California weigh in heavily to stop the test usage of depleted uranium in the waters off the west coast, upon which our tourism industry, our wildlife and our tribes, fishermen and citizens depend.

We do not want our MLPA to be rendered moot by Navy maneuvers. This is not Viecques! It's California!

Sincerely,

Margaret Draper
Attorney at Law
Bayside, CA



Wilderness Unlimited - 22425 Meekland Ave., Hayward, CA 94541

October 25, 2010

Subject: MLPA North Coast Round 3 Summary

Attn: Mr. Ken Wiseman
MLPA-I Team
Regional Stakeholders
Science Advisory Team
Blue Ribbon Task Force

To Whom it may concern:

On behalf of the Soper Co, Wilderness Unlimited, the Wilderness Unlimited Foundation and the members of Wilderness Unlimited, I would like to compliment the members of the NCRSG, SAT and BRTF for all of the hard work you have done to date, however we request that you relook at the effects the proposed Vizcaino SMCA will have on a delicate long term conservation agreement.

We believe that the local review and planning of the north coast MLP did not take into account the impact that their actions will take. Re: the Vizcaino SMCA.

Soper Company has owned the property in question, the DeVillbiss Ranch also known as the Rockport Ranch that includes about 5 miles of oceanfront, for over 50 years. Wilderness Unlimited has had the recreation/wildlife resource management of the 3500-acre property for over 30 years. This conservation partnership has protected a very remote piece of ocean habitat via controlled access and invertebrate take controls more stringent than the DF&G's. The resulting aquatic life is in great shape.

Both Soper Co. and Wilderness Unlimited are small private companies who did not have the manpower to participate in the stakeholder group process. In fact, most of the people who will be affected by the proposed closure are not local.

Soper Co. is an extremely conservative timber company; many of their properties were over cut and had stream degradation when they acquired them including DeVillbiss. They have an exemplary land stewardship record.

Wilderness Unlimited's mission statement is to provide quality outdoor recreation on private property. The mantra is "Conservation through proper Utilization". The focus is on diversity and a wide range of opportunities. Private coastal access of this type is rare and unique. The private conservation agreement between Soper Co. and Wilderness Unlimited is "unparalleled" on the west coast. Dismantling the years of conservation work (submitted in prior public comments) would be a travesty.

Never the less, both companies did participate in the MLPA process via the public comment process as follows:

Back in March 2010, at the onset of the Round 1 MLPA process, of the eight proposed arrays listed, only three had a "closing effect" to the oceanfront of the DeVillbiss Ranch. Only two listed the term Vizcaino SMCA.

When the Round 2 summaries were released all four MPA proposals had an impact on DeVillbiss Ranch. Mr. Bill Morrison of the Soper Co. visited the Fort Bragg open house on July 6th and expressed his concern for the proposed closure. I visited the Eureka open house and expressed my concern for the Vizcaino SMCA's (included in all four proposals) but if necessary while not perfect, would support the Sapphire 2 Plan (south portion) if it had to be that way.

However, I tried to discuss the new, shore access "Ribbon tool" that had been recently enacted and applied to the Stewarts' Point SMR/ Private property after the north central coast MPA had been approved. I asked if the precedence of this ribbon tool could be applied to DeVillbiss, based on the conservation history and stewardship of the users involved.

After the open house, Mr. Kruger, President of the Soper Co. and both I filed public comments requesting review of the Vizcaino SMCA. I offered several possible alternatives as well.

Next up was the NCRSG's, two day meeting on August 30 and 31. Neither Soper or WU could allocate manpower to sit in on the meeting or make personal public comment at these meetings. We were led to believe that the Sapphire 2 (south portion) proposal of the Vizcaino SMCA had much better support versus the full scale Vizcaino that spread numerous miles to the south. I have documented for public record already the disbelief as to how the Vizcaino review was left nearly to the end and how the prior trade offs that were made to the north and south and how a new plan hatched overnight that basically left the now proposed Vizcaino SMCA as being nothing more than the entire length of the Soper/Wilderness Unlimited DeVillbiss Ranch.

The economic effects of a DeVillbiss closure to Soper, Wilderness and others are unknown but fourfold:

The loss of membership monies to Wilderness Unlimited, decline in Wilderness Unlimited funds to Soper, less monies for Soper conservation projects and on a local note: The loss of sales revenue in the form of goods and services to the local communities is unknown. Over 90% of the usage of this property is from non Mendocino County residents.

I implore the NCRSG, SAT and BRTF to review the proposed MPA re: the Vizcaino SMCA and find a way to preserve the long-standing Soper/Wilderness Unlimited program.

Respectfully,

Wilderness Unlimited

Rick Copeland

The options already submitted include:

Change the Vizcaino SMCA usage to include finfish and invertebrate take.

Apply a "ribbon" to the entire SMCA as was done at Stewarts Point SMR.

or maybe a new option would be a "postage stamp" or "box" of usage to allow access to the approximately 2 miles of available ocean

From: Sally Ottoson
Sent: Wednesday, October 27, 2010 2:59 PM
To: MLPAComments
Subject: Proposed Legislation

Oct 25, 2010

To Whom It May Concern:

Please let it be noted in the record that I vigorously oppose the inclusion of the coastal area immediately off my property.

(Mendocino County AP# 15-370-11)

My concerns:

1. As a property owner I was not properly notified (USPS) that proposed legislation was pending.
2. As a property taxpayer I feel my rights have been ignored.
Although, as it has been pointed out to me "You don't own the ocean..." I do own the right to have recreational access from my property, including fishing and abalone diving.
3. I strongly feel this action will devalue my property as a recreational access area.
4. I would like to know exactly who is funding this legislation and the "science" supporting such drastic measures.
5. I'm concerned that by closing parts of the coast to fishing and abalone diving, the remaining open areas will see undue pressure on marine habitat.

I ask that you reconsider the boundaries of this proposal,

Sincerely,

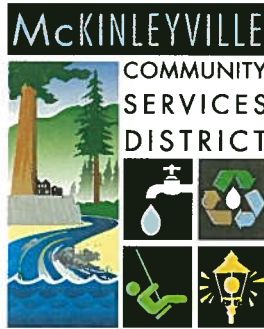
Sally Ottoson
Fort Bragg, Ca 95437

PHYSICAL ADDRESS:

1656 SUTTER ROAD
McKINLEYVILLE, CA 95519

MAILING ADDRESS:

P.O. BOX 2037
McKINLEYVILLE, CA 95519



mckinleyvillecsd.com

MAIN OFFICE:

PHONE: (707) 839-3251
FAX: (707) 839-8456

PARKS & RECREATION OFFICE:

PHONE: (707) 839-9003
FAX: (707) 839-5964

Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

October 21, 2010

**SUPPORT FOR ADOPTING THE NORTH COAST REGIONAL STAKEHOLDERS GROUP
UNIFIED MARINE PROTECTION ACT ROUND 3 PROPOSAL**

The purpose of this letter is to acknowledge McKinleyville Community Services District (MCSD) Board of Directors support for adopting the North Coast Regional Stakeholders Group, Unified Marine Protection Area (MPA), Round 3 Proposal. The MCSD Board of Directors also supports the efforts to date that ensure Tribal uses are not impeded.

The proposal will be reviewed by the MLPA Blue Ribbon Task Force (BRTF). MCSD understands that a single MPA proposal was developed by the Marine Life Protection Act (MLPA) North Coast Regional Stakeholder Group (NCRSG) in Round 3 of the north coast MPA planning process. The MPA proposal will be analyzed by the MLPA Master Plan Science Advisory Team (SAT), California Department of Fish and Game (DFG), California Department of Parks and Recreation (California State Parks), and MLPA Initiative staff. The MCSD Board supports the acceptance of this proposal in its entirety as submitted.

Please contact Norman Shopay, General Manager if you have any questions or require any additional information.

Sincerely,

McKINLEYVILLE COMMUNITY SERVICES DISTRICT

A handwritten signature in black ink, appearing to read 'Helen Edwards'.

Helen Edwards
President

A handwritten signature in black ink, appearing to read 'David H. Couch'.

David Couch
Director

A handwritten signature in black ink, appearing to read 'Dennis Mayo'.

Dennis Mayo
Vice President

A handwritten signature in black ink, appearing to read 'Bill Wennerholm'.

Bill Wennerholm
Director

CC: Norman Shopay, General Manager MCSD
Jill Duffy, Supervisor, Humboldt County

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Office of the Secretary

OCT 26 2010

RESOURCES AGENCY OF CALIFORNIA

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Office of the Secretary

OCT 26 2010

RESOURCES AGENCY OF CALIFORNIA